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# ALFRED'S APPEAL

*Entered at Stationer's Hall.*

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ASTOR LENOX AND TILDEN FOUNDATIONS



*Mrs M. Fitzherbert*

# ALFRED'S APPEAL.

CONTAINING

HIS ADDRESS

TO THE

COURT OF KING'S BENCH,

*869*

ON THE

SUBJECT OF THE MARRIAGE

OF

MARY ANNE FITZHERBERT,

AND HER

INTRIGUE

WITH

COUNT BELLOIS.

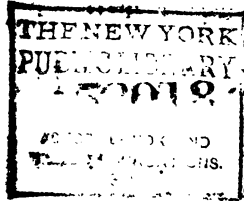
*by*  
*P. Withers*

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L O N D O N :

Printed in the Year MDCCDXXXIX.

*McN*





OF THE  
LAW OF LIBELS.



**T**O obtain a clear view of the Proceedings in this Cause, it is necessary to state the Rules of the Crown Office, in Libellous Complaints.

I. The Prosecutor complains that the Defendant has injured his good Name in a certain Book presented to the Court, through the medium of a Grand Jury.

II. A common Jury are appointed to find the Fact—the Fact of WRITING, PRINTING or PUBLISHING the said Libel. But observe—no Witnesses are suffered to appear on the Part of the Defendant, to prove the Truth of the Charge. And this, I presume, is a merciful Interposition of the Law in behalf of the Defendant, for should he unhappily prove the truth of the Charge it would ag-

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gravate

gravate his Punishment on this Principle—the greater the TRUTH, the greater the LIBEL. Lord Camden, indeed, has rendered his Name eternally dear to Englishmen by a uniform opposition to this doctrine; and even Mr. Erskine—when it answers his purpose, can brave the displeasure of a Judge and contend that Truth is NOT a Libel\*.

On the present occasion, the Freedom of the Press and the personal Interests of the learned Advocate do not flow in the same Channel. He is a *prudent* Man.

III. The Fact of publishing being clearly established, the Defendant is brought up to receive the Sentence of the LAW: And the Sentence of the Law is grounded on this principle—you are not to charge a person with any Crime, Offence, or Infirmary that has a Tendency to render that Person criminal or ridiculous in the public Eye. If you see a Woman rise from the Bed of Adultery, or a Man retire from a House that he has plundered, you must be silent as death, unless you purpose to prosecute the Parties. If you venture to inform a Friend that the Lady in question is an improper Companion for his Wife or Daughter; or the  
Man

- Trial of the Dean of St. Asaph.

Man an improper Agent in commercial affairs, you expose yourself to the vengeance of the Laws. It would nothing avail, if a thousand angels witnessed the offence. The Jury are to find the Fact of publishing, but no witness is to be heard, no evidence produced in proof of the TRUTH and JUSTICE of the Charge.



## Of the Consequences of this Process to the D E F E N D A N T,



**T**HOUGH a Person be infamous or abandoned in private life, the Laws consider him as virtuous and upright, till *legally* convicted of some offence repugnant to integrity and virtue. And even if convicted, legal Reputation is restored, as soon as the Offender has suffered the Sentence of the Law.

On this assumption of moral Integrity and innocence on the part of the Plaintiff, the Judge pronounces Sentence. His language is adapted to the nature of the Offence and the Quality of the Offender

Offender. If it be a Libel, he expatiates on the Freedom of the Press, and the sad Licentiousness of the Times.

He then speaks of the *LEGAL* Character of the Plaintiff; for his Lordship must not notice popular Rumors—nor suffer himself to be influenced by the universal Belief of Mankind.

And he dwells on the Injury which the Plaintiff has sustained by the *FALSE, WICKED, and MALICIOUS* Aspersions of the Defendant.

If the Plaintiff be a Female—*PERDITA* or whom you please,—the Judge usually enlarges on the want of Politeness,—perhaps of Courage in the Defendant; for though Perdita be surrounded by men ambitious to signalize themselves in defence of her *VIRTUE*, though her Income be *PRINCELY*, and her hopes a Sceptre, yet his Lordship must have no knowledge of the Lady but as she stands described in the Indictment—*a peaceable, good sort of Woman.*

If the Defendant be a Clergyman, the learned Judge will embrace the opportunity of instructing him in the Duties of his Profession.

In conformity to *antient Custom*, he will remind him that Ministers of the Gospel are bound to promote Peace and to heal divisions; to cover the Infirmities of their fellow men with a Mantle of Love  
and

and not to expose them to open shame. His Lordship is not at liberty to accept as an apology from the Defendant that a regular System is on foot to extend a Religion hostile to Freedom and subversive of the Faith of our Ancestors, that it is the peculiar province of a Clergyman to contend *zealously for the Truth*, and to oppose PERDITA or any other Catholic whose Princely Influence strengthens the Confederacy. No. The Judge who reads the Sentence of the Court must adhere to ancient Forms—Forms as old, to my knowledge, as the days of that great Champion of Liberty *Lord Chief Justice Jefferies*.—He can advert to nothing but the *Fact of Publishing*, which no man of honor ever denies, and to the Tendency of the Libel to defame the LEGAL Character of Bett Cox, Nell Gwyn or Perdita. RELIGION, VIRTUE and FREEDOM are out of the question.

And thus it frequently happens, that by a plain Matter of Fact, the Publication of which may be meritorious in the pure estimation of the Deity, and of great relative importance in civil life, the Defendant is punished with Fine, Pillory and Imprisonment ! And this in a Land of Freedom ! The Plaintiff, mean while, is triumphant without contest, and victorious without a foe, for TRUTH is silent and Opposition vain.

Of the Consequences of this Process with  
respect to the PLAINTIFF.

**W**HEN a Person prosecutes in the Crow<sup>n</sup>  
Office, it is obvious as the light of day,  
that the Preservation of CHARACTER is not  
the End obtained by the Process.

The multitude, indeed, may be induced to believe  
that the Decision of the Court is Evidence of the  
Plaintiff's Innocence; but nothing can be more  
remote from Fact. Had Mary Anne FINCH, or  
Mary Anne PARSLOW been inserted in the In-  
dictment, instead of Mary Anne FITZHER-  
BERT, the learned Counsel had declaimed with  
equal warmth in defence of their VIRTUE, and  
the Court pronounced the same Sentence, and with  
the same Justice.

I do not complain because a Strumpet is under  
the Protection of the Laws; but I conceive it to  
be a poor compliment to Ladies of Rank and Vir-  
tue, if her Character be estimated at an equal  
Price with their own.

But



But though the *multitude* are thus ignorant of the true nature of Crown Office Proceedings, and imagine the Plaintiff INNOCENT because the Defendant is found GUILTY, Professional Men, who are acquainted with the excellent System invented by Lord Chief Justice Jefferies, brought to perfection by Lord Chief Justice Mansfield, and and so ably vindicated by that great constitutional Lawyer, Mr. Erskine, know the converse of the conclusion is frequently the Fact, that the Defendant is INNOCENT and the Plaintiff GUILTY. And they draw this inference from the most solid and judicious Reasonings. For if the Plaintiff be conscious of rectitude of Conduct, the Charge is exhibited under another Form. He meets his Accuser on the PLEA Side of the Court, and convinces the World it cannot be supported. This effectually preserves Reputation, and overwhelms an Adversary with Disgrace. It is, indeed the prerogative of Innocence to dread no Inquest. Few Men of Honor and perhaps no Women of Virtue, resort to the Crown Office for Vindication of Character. But the Guilty fly to it as an Asylum from the Resentments of TRUTH and the Persecutions of VIRTUE.

OF

Of the Influence of this Process on  
PUBLIC LIBERTY.

**P**UBLIC Liberty cannot exist where an Inter-  
course of Sentiment is denied.

The PRESS is the most effectual mode of  
communicating Sentiment.

The LIBERTIES of the Press, therefore, are  
to be guarded with religious care, as the Fountain  
of Information and the essential attribute of Free-  
dom.

It is not to be denied that the LICENTIOUS-  
NESS of the Press is an Evil.

But let it be remembered, that RESTRIC-  
TIONS on the Press are an Evil of much greater  
Magnitude.

The *Licentiousness* of the Press affects the Honor  
or destroys the Peace of INDIVIDUALS only; but  
*Restrictions* on the Press lessen the Dignity and sub-  
vert the happiness of NATIONS.

And, therefore, though it appear expedient to  
Mr. Erskine, or Lord Chief Justice Jefferies, to  
appease an offended Individual by the Sacrifice of  
Public

public Privilege, and to curb Intemperance by unconstitutional Restraint, the Friends of civil Liberty will hold such Restrictions in eternal abhorrence

Further. The Licentiousness of the Press carries its own Antidote with it. It defeats its own Views. In general Calumny there is no personal Reproach. The Press, under such Circumstances, is like the Tongue of the Honorable Thomas Erskine, incapable of Slander. When I first heard the learned Counsel's Invectives I was lost in astonishment! I felt as every Man of Honor would have felt on the Occasion. I interrupted him in his Speech—I assured him what he uttered was FALSE—and that he “*held a Language under the protection of the Court, that he did not dare to mention to my Face out of it.*” I spoke under the Impression of my Feelings. I was moved, greatly moved at his illiberal Aspersions. But my Friends soon apprized me that Insult and Abuse—Insult without Reason, and Abuse without Argument are the distinguishing Traits of the learned Counsel's Eloquence, that a Judge once threatened to commit him, that he had given a Barrister the LIE, and that nothing but his PRUDENCE out of Court protected him from Punishment for Insolence within. I then consid-

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dered

dered as an Honor what Mr. Erskine intended as an Insult ; and I shall henceforward hear his Common Place Inveſtive with the ſame CONTEMPT as other Men.

And thus with the Licentiousneſs of the Preſs. When Calumny becomes general, no one regards it.

But when ſevere and unConſtitutional Reftraints are impoſed on the Freedom of the Preſs, the Evil admits no Remedy. The loſs of civil and religious Liberty is inevitable. And here I muſt notice an Argument uſed by Mr. Erſkine when Mr. Walter was brought up for Judgment. "The Licentiousneſs of the Preſs has brought France into its preſent State of Diſtreſs." This I deny. RESTRICTIONS on the Preſs have brought that Monarchy to the Brink of Deſtruction. The Whip-galled Slaves were denied the Privilege of Speech, and now they claim more, perhaps, than it is expedient to grant. It is lamented that the National Aſſembly are ſo dilatory in their Proceedings, and that the lower Orders of the People are ſo intemperate in their Conduct, but if it be impoſſible to obtain Freedom without an Anarchy, as laſting as the Siege of Troy, it will be cheaply purchaſed ; and if every Law of the Conſtitution be  
written

written in Blood, it will claim the aid and admiration of Patriots no less than Revolutions suddenly and peaceably effected.

It is not, therefore, to the Licentiousness of the Press, but to the cruel and oppressive Policy of Tyrants that we are to ascribe the Insurrections on the Continent. A free Press, I dare affirm, is an equal Guardian of the Prerogatives of the Throne and the Privileges of the People. But the Truth is, no Monarch on Earth, our own excepted, sincerely desires to rule a FREE PEOPLE ; and as it is difficult to reduce Men to a State of Slavery as long as they enjoy unfettered Intercourse of Sentiment, the first Object of a Tyrant is the Destruction of the Press.

There is, also, an important Difference between the Licentiousness of the Bar, and that of the Press.

I complained of Mr. Erskine out of doors and he was SILENT. I complained of Mr. Erskine in Court, and he converted the Complaint into a Crime, and urged it in Aggravation of my Punishment. And though it is reported to be the Determination of their Lordships to send to Newgate all who libel the ROYAL FAMILY, I am not convinced that "Mrs. FITZHERBERT" is the sole Cause of my being here.

Bu

But if a Man be libelled from the Press, he may obtain immediate Satisfaction. A Jury will make his Case their own, will vindicate his Character, and resent the injustice of his Adversary. And hence it is obvious that the Clamor against the Licentiousness of the Press flows either from Ignorance or from a secret wish to Destroy its Freedom.

None but the GUILTY tremble at a licentious Press. The INNOCENT may punish the Traducer or despise his Calumny. But it is a reproach to the Laws, a Satire on Virtue, an Insult to the Supreme, when the GUILTY enjoy the Privilege of inflicting Punishment on a Libeller—if it be not a Contradiction in Terms to stile the Man a Libeller who speaks the TRUTH.



### Inference from the preceeding Hints.



**I**T is obvious from what has been said, that Prosecutions in the Crown Office, for Libels are a Grievance that ought to be redressed. Can any Thing be more repugnant to Reason, or disgraceful  
to

to human Nature than to deprive the Delinquent of all Power to prove the Truth and Justice of his Words? Is it not denying him the Privilege of a common Felon?

My Lords, the Judges, are not to be censured. The PEOPLE are to be censured. The Subject is of infinite moment to the Common Good, but Prudence commands me to be silent. May the Genius of England speak a language that will be heard and obeyed.

Meanwhile, I earnestly entreat the PRINTERS and BOOKSELLERS to make it a common Cause, and apply to Parliament for Protection. As the Law of Libels is now understood, no man can carry on business in safety. The application should be unanimous, and all Party Animosity forgotten. The Leaders of the Opposition cannot consistently refuse their Support. And the Ministry will deserve to be abandoned by all the Friends of Freedom, if they deny their Concurrence.

In the first place, PRINTERS and BOOKSELLERS ought to be free from every Apprehension of Danger, on giving up the AUTHOR.

In the second place, if they decline giving up the Author, they ought to enjoy the privilege of  
DEFEND-

**DEFENDING** what they have printed or published.

And this Privilege ought to be extended to the Author. If his Assertions be founded in **TRUTH**, in the Name of the **GOD** of **TRUTH** let him depart in Peace. If his Assertions originate in **FALSHOOD**, let him suffer all that a **JURY** may be convinced he deserves, even to **DEATH** itself.

This will effectually curb the Licentiousness of the Press, and at the same Time preserve its **FREEDOM**.

But to consign a Printer, Publisher, or Author to the Tender Mercies of a **JUDGE** may be, I admit, an effectual way to check the *Licentiousness*, but it has also a certain Tendency to eradicate every Trace of **FREEDOM**, and to deprive us of all the Birthright Privileges of Men.

I have no personal Interest in the Application proposed. It can afford no Relief in my situation. I propose it with the best Views to the general Welfare of my Country, and to the particular Security of Printers and Booksellers.

Till the Law of Libels be thus defined by Parliament, let me entreat all future Juries to connect the Fact of Printing or Publishing with the language



Language of the Indictment, FALSE, WICKED and MALICIOUS, and if they are not convinced of the Defendant's Guilt on this comprehensive View of the WHOLE Indictment, let him be honorably acquitted. Now it is impossible to obtain legal evidence of Guilt with respect to FALSE, WICKED, and MALICIOUS, since the Defendant is not permitted to JUSTIFY, the Verdict ought always to be general—NOT GUILTY.

I also advise every Man of Honor and every Woman of Virtue to prefer the Complaint on the PLEA Side of the Court. The CROWN Side is very proper for \*\*\*\*\* and \*\*\*\*\*.



## A D V E R T I S E M E N T.



**I**T is unnecessary to offer any Apology for the Publication of the following Speech. False and injurious Statements have appeared in the Public Papers, which are here amply confuted.

It

It is affirmed by the Author of *Nemesis* that **THOUSANDS** have been lavished on the Public Papers to induce the Editors to insert Anecdotes in Praise of "**Mrs. Fitzherbert**" and to suppress others unfriendly to her wishes. Never was an Assertion more fully verified than on the present Occasion. Whatever had a Tendency to vindicate my Character and Conduct was either totally rejected or such a Sum demanded for its Insertion as rendered the Application fruitless.

Add to this, so many silly Remarks have appeared in the Public Papers respecting the **ARGUMENTS** and **ELOQUENCE** of Mr. Erskine, that I am compelled—by a Regard for Truth—to convince the World that the learned Counsel did not advance a single **ARGUMENT** in the whole of his declamatory Effusion, which I have not, on every Principle of Analogy, and by the solid Evidence of Facts, proved to be **FALSE**. And as to the **ELOQUENCE** of the learned Counsel, he had no Competitor in me. I told their Lordships that my Intention was to offer to their Consideration a few serious and solid Facts, in serious and respectful Language. I had no Ambition to convince my Judges that I am qualified for the Stage, or conversant in Spouting Clubs

But even in Point of ELOCUTION, Mr. Erskine is one of the last Men in the World whom I should dread to encounter. That he would be eloquent, I admit, if the violence of his Passions did not so frequently impede his Utterance. In his Reply to my second Address, he was disordered not only in Expression, but in IDEA. Several of the most judicious men in Court assured me, that they never saw the learned Counsel make so poor a Figure. It was a Rhapsody of the most silly Remarks I ever read or heard. Mr. Erskine will probably spend a few Guineas to refute this Opinion in the Papers; but the Public, after all, will judge for themselves. I do not complain of the want of Candor in the Editors of our public Prints, though I have abundant Cause. Several of them have inserted Paragraphs of a very libellous Nature. But they have nothing to fear from me. My Regard for the Freedom of the Press is sincere and founded on Principle. No Editor, no Printer shall ever suffer on my Account. If they cannot live by honest Means, they have my Permission to gain their daily Bread by daily Prostitution. But if any Man living will stand forward and impeach the Purity of my Honor, or the Innocence and Integrity of my Life, I will meet the Charge in the

Face of Day and refute it. Anonymous Calumny I shall treat with silent Contempt. I hope every Rascal in the Kingdom is my Enemy. Imputations from such a Quarter will only make me smile, like a Paragraph in the Morning Post, which informed the Public, with its usual Authenticity of Intelligence, that I am Uncle to the Reverend Mr. East, one of the Conductors of the World. This Gentleman I have never seen; but in Point of Age, he is old enough to be my GRAND-FATHER.

I have not intentionally omitted any part of my Address. But It is necessary to inform my Reader, that in its present Form it comprehends,

My First Address.

My Second Address.

And such Remarks as I could not make on Mr. Erskine's concluding Speech. I was very desirous that the learned Counsel should follow Mr. Dallas and Mr. Laws, and thus afford me an opportunity to answer him. But this he declined, and insisted on his Privilege with a Pertinacity that was far from being honorable. Had I been in Mr. Erskine's Situation and he in mine—a *Defendant*—brought up to receive the Sentence of the Court—unpractised in the Arts of a Barrister—and unaccustomed

accustomed to the Scene around him—I should have eagerly embraced so glorious an occasion to display my Humanity, Politeness, and, perhaps, my Contempt of his Abilities. But the LEARNED and ELOQUENT Counsel acted otherwise. “I claim my Privilege” said he “I insist on your speaking first.” I complied, and the following is the Purport of my Speech.

My Lord,

Attacked as I have been by the learned Counsel on every Point that can be dear to a man of Honor, I request Permission of the Court to enter on my Defence.

The illiberal attempt of the Counsel for the Prosecution to make your Lordships a Party against me, would justify the severest Animadversion. It is of little moment to insist on the Rectitude of my Conduct, abstracted from the Business before the Court. I will only remark that though passionately fond of Freedom, I am convinced that all which deserves the Name must be founded on OBE-  
DIENCE to the LAWS. As to my Conduct on the present Occasion, the Charge of Disrespect is groundless. On the Trial of the Fact, your Lordship stated your Opinion to the Jury, that the  
words

words obviously implied that Mary Anne Fitzherbert had a Criminal Correspondence with Count Bellois, and that a Child was the Result of the Intercourse. Now, my Lord, I affirm on my Honor, and call on the learned Counsel to contradict me, if it be in his power, I affirm that the last Copy of Nemesis was put into your Lordship's Hands when in Court. I had made Preparations for a new Edition, but I was induced out of respect to the Court to suppress it.

The learned Counsel has been equally assiduous to awaken in your Breast the Resentments of Friendship. He is continually reminding your Lordship that I have presumed to libel the Lord Chancellor. I confess I libelled him, if a mild remonstrance merit the Epithet of Libel. I still consider it as a moral Defect in his Lordship's Character that he lives in a State of criminal Celibacy,—as a Reproach to the Church of England that the supreme Patron of its Privileges should live in open Violation of its most sacred and essential Duties.

It has also been urged by the learned Counsel that I made an Attempt in Alfred's Apology to seduce your Lordship from the Duties of your  
Office

Office by FLATTERY. And he was pleased to add, that he “ *knew your Lordship’s Opinion on that Point,*” and that you, “ despised my Compliment as much as he himself does my Abuse.” I was happily relieved from the Distress occasioned by this Declaration, by a candid Avowal on the Part of your Lordship — “ TILL THIS HOUR I HAVE NEITHER SEEN NOR HEARD OF THE BOOK IN QUESTION !” How the learned Counsel could inform himself of your Lordship’s Sentiments on a Compliment which you had never SEEN nor HEARD, I am unable to conjecture. It is plain to a Demonstration that I should have sent your Lordship a Copy, had I been so silly as to expect any Advantage from its Contents. With the same regard for Truth, the learned Counsel declares his Contempt of my *Reproaches*. No Man ever despised what he could not refute. The Countenance, the Language, the whole Deportment of the learned Gentleman manifest his inward Commotion.

If there be any part of my Conduct reprehensible, it is that which I am confident your Lordships will readily pardon. I allude, to my Interruption of the learned Counsel in his address to the Court.

I offer

I offer no apology but the FEELINGS of a MAN of HONOR. For the first Time, I heard the Language—WRETCH, VERMIN, &c. applied to myself. I was not then apprized that it was the learned Gentleman's habitual Phrafeology and that he had nothing personal in View, and therefore I answered him in a Manner that every Man of Spirit and conscous Innocence must approve—"your Assertions are FALSE, and your Language such as you DARE NOT maintain out of the Protection of this Court."

In no other respect have I Reason to apprehend the Displeasure of the Court. I proceed, therefore, to a Defence of my Conduct in Relation to the learned Counsel himself.

And in the first Place he complains that, in Alfred's Apology, I have treated him as a FOOL. And, secondly, that I endeavoured to deter him from his Duty.

How far the learned Gentleman deserves to be considered as a FOOL, the Public must decide. It is an Inference that I have drawn from his own Conduct in Court, but I chearfully leave the World to determine on its Validity.

The Arguments are certainly in force against him. -An Imputation must rest on his HEAD

or



or his HEART. A Man of less Tendernefs than myself would transfer the Charge to his Heart, and instead of Fool, pronounce him a RASCAL.

As to the Attempt in Alfred's Apology to deter the learned Counsel from a Discharge of Duty, it ought in Candor to be stated an attempt to awaken him to a sense of his Duty, as a Barrister and a GENTLEMAN.

To have a clear View of the Nature and supreme Design of Alfred's Apology, it is necessary to refer, my Lord, to the Period when his Majesty was deprived of Reason.

At all Times it is the indisputable Privilege of Britons to animadvert freely on such public measures as affect Life, Liberty, or Property. If, in common with most of the Learned Gentleman's Friendships, my Property be small, I have Life to protect, which is dearer than Property; and Liberty to defend, which is more valuable than both. At all times, therefore, I am justified in communicating my Observations on Public Men and Public Measures. At the awful Crisis to which I allude, it was my duty. The situation of the Country was new, important and alarming. It was proper that Parliament should know the Sentiments

timents of the PUBLIC. But the Sentiments of the Public can be collected only from the Voice of INDIVIDUALS. So far my justification is complete. In Point of political Opinion I am not infallible. To INTEGRITY and DISINTERESTED PATRIOTISM I have the strongest Claim. I came forward a Volunteer in the Service of my Country at a Moment when mercenary-Men were worshipping the rising Sun.

I stated my Belief that the Administration of Affairs was in very proper Hands—that they knew, beyond all other Men, the Sentiments of the Sovereign with foreign and domestic Politics—that a Restoration to the use of Reason was possible and probable—that his Majesty, in the Event of a Regency would feel himself inexpressible happy if the System of his own Cabinet be pursued, and inexpressibly miserable if new Measures should be adopted: I took the Liberty to add, that I saw no Responsibility, that could attach to the MINISTERS of the REGENCY. Because till the Demise of the Sovereign, the essential Attributes of the Throne could not be transferred to his Heir; consequently, the MINISTERS of the REGENT would be at Liberty to plead his Commands in  
Justifica-

Justification of their Measures\*, and that the Responsibility of the Prince Regent himself amounted to nothing, His Royal Highness being invested with so many personal Privileges that for Offences which would bring an inferior Subject to the Block, the Law had provided no Punishment. I then proceeded to enquire whether it was conducive to the Public Good to grant POWER without RESPONSIBILITY to the reputed Favorites of the Regent Elect. And amidst a great Variety of other Matter, I noticed the abject Flattery of the Form of Prayer appointed for the Restoration of his Majesty to the use of Reason. I denied that he suffered for our Sins—I contended that he is destitute, totally destitute of every Requisite to be a PROPITIATION for our Offences.

It is a natural Conclusion, my Lord, that powerful Hostilities commenced on the Appearance of my Pamphlet. One Man attacked my political Opinions; another my religious Tenets; and a Third attempted to prove that Mr. Pitt wished to enslave his country, and that he employed Alfred to support and accelerate his Designs †. These Men were all to be answered. One according to his Wisdom; and another according to his Folly.

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\* See this argument at Length in Alfred.

† Entitled, *Alfred Unmasked*.

I had an additional Motive for publishing the Apology. The Gentlemen who conduct the Monthly Review—a periodical Publication of great Utility and Merit,—were pleased, among other Incivilities, to give it to the World as their Opinion that ALFRED was written with a View to abuse the Sovereign. I denied the Charge, and publicly called on them to reconsider the Judgment they had passed on the Pamphlet, and to do me Justice. They *have* done me Justice, my Lord. In the Review for October—with a greatness and Liberality of Spirit inseparable from real Wisdom and Learning—they have declared my Character stands UNIMPEACHED, and after passing a Compliment, to which were I entitled, I should rank myself among the most fortunate of Men, they express a generous wish that I may find a happy Deliverance from my present Embarrassments.

No Part of the learned Gentleman's professional Characters give me any Encouragement to hope for similar Dignity of Conduct in him. But as he had taken the Liberty to declare, *under the protection of the Court*, that I am a Libeller by profession, and PERJURED, I deemed it proper to give him the LIE, *out of the Protection of the Court*, and to defy him, in the Face of World, to name the

the Printer, Publisher, or Bookseller, who has ever Printed, Published, or Sold—or refused to print, publish, or sell any Pamphlet written by me, which I have not noticed in my Apology. To redeem, in some measure, his Character from Disgrace, the learned Gentleman has now declared in Court that proper Notice would be taken of a **PRIVATE MESSAGE**. Curious Subterfuge ! It is far from my desire to imbrue my Hands in Blood. I have no wish to fight him or any man, when the Dispute can be settled by an Appeal to **FACTS**. But with Respect to my being **PERJURED**, by swearing that I am **NOT** the Author of Nemesis, I conceive myself justified in making an Appeal to Heaven whenever the learned Gentleman pleases. †

Their Lordships must perceive that the Attempt to **FRIGHTEN** the learned Counsel from his Duty, was simply an exercise of Private Right, a Vindication of Personal Integrity and Honor, and which no Man but the learned Gentleman would convert into a Crime: He complains of its being an Attack on the

† In Justice to the prudence and Discretion of Mr Erskine, it must not be omitted that he first prevailed on the Court to send me to Prison and to make me give Securities for keeping the Peace, and then he boasted of what he would do were he to receive a private Message !!!

the Privileges of a Counsel. I desire to be told in what the Privileges of a Counsel consist? The learned Advocate represents his Client; but a Client cannot transfer to his Advocate more Power than is inherent in himself. And, therefore, if it be lawful for the learned Counsel, as Plaintiff, to use such Words as WRETCH, RUFFIAN, VERMIN, &c. it is equally lawful for me, as Defendant, to adopt a similar Diction. But, my Lord, I have a Reverence for this Court, a regard for personal Dignity, which forbid me to descend to such vulgar Epithets. The Language of my Apology, I grant, is warm, perhaps, vehement; for when Sentiments flow from the Heart, they naturally partake of the warmth and Animation of their Source. But I have not disgraced my page with low Allusions, or scurrilous Invective. Even when compelled by the Intemperance of the learned Gentleman, to communicate an Opinion that admits but one fatal Alternative, I studiously avoided ABUSE. My Words are, Mr. Erskine, either found the Assertion (meaning my being a LIBELLER by Profession) in his Brief, or he did not. If he found it in his Brief, he has my authority to give the LIE to the Man who put it there. If the Assertion arose from the Suggestion of his

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own mind, he may take the Compliment to himself, and do what he pleases with it.

Further. If such be the Privileges of Speech at the Bar of this Court, I claim superior Privileges when pleading before the PEOPLE of ENGLAND, in whose transcendent Authority the Powers of this Court originate\*. Before the august Assembly of the PEOPLE, at the supreme Tribunal of the Land, to which a final appeal must be made in every Convulsion of the State, I pleaded the Cause of FREEDOM and the PROTESTANT FAITH. But I did not descend to low and illiberal Inveective. I was mindful of the Respect due to the PUBLIC. I sought for Argument and not Abuse. And I believed that even in the Presence of the subordinate Majesty of this Court, it was necessary to preserve proper Decorum of Expression. But the learned Counsel has this Day convinced me, that such odious Vulgarisms as would give Offence in a Parish Vestry may be used before your Lordships with Impunity. I do not take upon me to affirm that this Indulgence is extended to all the Gentlemen at the Bar. I am a Stranger, and incompetent to speak on the Subject.

\* Powers MEDIATELY derived from the People; designed as an Answer to Mr. Erskine's concluding Speech.

ject. Perhaps the Counsel for the Prosecution is a Favorite. Or it may be true what is currently reported, that some People stand in AWE of the learned Gentleman and of those who employ him. But I stand in no Awe of the learned Gentleman, nor of those who fear him, nor of them who employ him.

I must also solicit the indulgence of the Court whilst I notice the very extraordinary Reply given by the learned Counsel to the heavy Imputation on his Honor in Alfred's Apology. I treat it said he, with *Contempt*. To treat anonymous Calumny with Contempt is the Duty and Prerogative of Innocence. But neither the Laws of God nor Man permit us to pass in silence an authenticated Charge of Injustice and Deceit. The Phrase—*I treat with Contempt*—is in frequent use among the Profligate and Abandoned; they oppose it to Argument and Fact; they fly to it as an Asylum from the Abhorrence of mankind, and hope, by making no Defence the World will give them Credit for the sincerity of their Contempt. But alas! Conscience will still do its Office. If a Gentleman be publicly Posted, as a COWARD and a LIAR, be called on to defend his Character and Conduct on any Ground he pleases, of Law, of Equity,



Equity, or of Honor, he must **FEEL** beyond the Powers of Language to describe. He may indeed possess the Effrontery to boast of his *Contempt* for his Adversary, but the Torments of his Heart will contradict the Language of his Lips.

The learned Gentleman appears to be blinded by Passion or devoid of Reason. I have repeatedly told him that a small Part only of the Apology has been allotted to him, but he persists in the Declaration, even with the Book in his hand, that I have employed 147 Pages on himself alone, thus palpably adding 100 Pages to my Book, as well as an Hundred Falshoods to my Offence.



## Of the **MOTIVES** for Publishing **NEMESIS.**



**F**ROM a Defence of my Conduct toward the Court and the Counsel, I proceed, my Lord, to the **MOTIVES** which induced me to publish **Nemesis.**

The learned Counsel for the Prosecution observed in opening the Cause, that some Men publish  
**Libels**

Libels in Consequence of *private Disputes*, but the "WRETCH" said he, now before the Court, has no such Plea to offer. I protest, my Lords, I feel the highest obligation to the learned Gentleman for a Charge at once so disgraceful and yet so honorable. Private wrongs are to be redressed by the public Magistrate. We are forbidden in a Civil as well as in a Religious Sense to *avenge ourselves*. And this Rule of Conduct is founded on the best principles of Equity and Wisdom; for were it lawful to retaliate Injuries in the exorbitant Measure which Passion dictates or Self Esteem prescribe, the World would exhibit one continued Scene of Disorder and Violence. The Plea, therefore, is extremely disgraceful in a Barrister, as possessing a direct Tendency to place the executive Power in the Hands of Individuals and to render the Authority of a Court of Law nugatory and absurd.

And yet, my Lord, were the Plea of private Injury admissible as a Justification of violated Laws, I might urge it with infinite Propriety and Effect, for Mr. Lowten, the Gentleman on my left Hand, Clerk at *Nisi Prius*, Solicitor for the Prosecution, and Solicitor Elect to the Regent's Board of Treasury, did, in direct Violation of private Right;  
and

and public Justice, detain or cause to be detained, and to the utmost of his Power suppress or cause to be suppressed, certain Pamphlets, my Property, to the Amount of *One Hundred and Twenty Five Pounds*; and, as I verily believe, at the Instigation of his Client, "Her Royal Highness the Princess of Wales," as the Lady is stiled by the Kingdom in general, or Maria, alias Mary Anne Fitzherbert, as she is named in Court. And, therefore, if the Opinions of the learned Counsel had the Force of Law, I should join Issue on this Plea and claim my Discharge. I feel, indeed, and respect my Obligation to the learned Gentleman for the honorable Testimony he has given to the Purity of my Views and my disinterested Motives of Publication. For my Accuser admits that I stand before your Lordships on PUBLIC GROUND. He admits that I have neither fabricated Falshood nor published TRUTH for the insidious Purposes of private Resentment. He acquits me of Malice and Revenge—those dark and dreadful Passions which croud the World with Sorrows and with Crimes—and leaves it to your Lordships to determine whether my PUBLIC OBJECT was the Preservation of my Country, or its Ruin. The learned Gentleman indeed denies the Patriotism of my Views; but as he possesses no

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Power

Power to Penetrate my Breast, I appeal from interested Fiction to the Truth and Analogy of Facts.

And it is Proper to observe, in the first Place, that I never conceived the Prosecutrix to be of such Importance in PRIVATE Life, that a Detail of her Attachments would either Benefit or amuse the World. An Idea never existed in my Mind that the Amours of an English Commoner, or the Intrigues of a French Count could have any Influence on the political Interests of my Country. But, my Lord, the Pamphlet, whence the Libel has been extracted, contains Matter of infinite Moment to the Existence of FREEDOM and the PROTESTANT FAITH. It states that the Lady is a Papist—that a Fund is established to proselyte the Poor—that a System is formed to extend the Influence of Popery to the Senate and even to the THRONE—and that his Royal Highness George Prince of Wales, as far as the Laws of GOD—of CONSCIENCE—and the CATHOLIC FAITH—have any obligations on Man—as far as CEREMONY and CONSUMMATION constitute Marriage, is her HUSBAND; the Husband of that Lady, who complains—, Heigh Ho!—that I have broken the King's PEACE!

In the second Place, it is proper to advert to the Period of Publication. His Majesty was deprived of  
of

of Reason: A new Magistrate was to be appointed as *Locum Tenens*. To this important Trust, Parliament elected his Royal Highness the Prince of Wales. But by an Act of William and Mary, neither a Chief Magistrate, nor a Regent can be legally Married to a Papist. If either presume to Violate this Law, the "*good People of the Realm are absolved of their Allegiance.*"

I am not entering into a Defence of this Law, The Time is rapidly advancing when a Defence of Christianity itself will appear ridiculous, and perhaps hazardous. But, my Lord, though the pure Doctrines of the Bible, which are guarded by that Act, be no longer in Estimation, surely some Reverence is due to the Authority of Parliament. By my Oath of Allegiance I am bound to the Observance of the Laws; I am bound to aid and assist the Magistrate in enforcing the Obedience of Others. I was, therefore, discharging the Duties of a good Citizen when I apprized the Public of the Violence offered to this Act of our Ancestors. The learned Gentleman will not reproach me with giving credit to idle and unfounded Rumors, for ALL EUROPE knew the Lady was a Papist, and ALL EUROPE believed her married to the REGENT Elect.

In

In this enlightened age, it has happily been discovered that the BIBLE, held in Reverence by ADDISON and LOCKE, by NEWTON and BACON, is a silly Book and grounded on Fiction. I am, therefore, sensible, my Lord, I shall derive no Credit from the Confession that I honor its sacred Doctrines and conceive them worthy my Faith and Practice. I do not possess Strength of Intellect sufficient to raise me above the Prejudices of the ignorant men whom I have named, I hope your Lordship will in Tenderness forgive me. My Education and my Vows do also plead powerfully in my Behalf. Add to these, my Lord, a deep CONVICTION that Popery is hostile to religious Truth and unfriendly to the civil Interests of Mankind. Whatever its artful Advocates may advance in its Defence, I am satisfied, and pledge my Honor to demonstrate, that POPERY is ETERNALLY the SAME—By a Necessity of Nature it is IMMUTABLE. And however gentle and pacific its present Appearances, Popery ought to be considered as a MONSTER in CHAINS. I grant that English Catholics have *Permission* to abjure the civil Jurisdiction of the Pope, but I affirm on authority that no Man of Information will controvert,

trovert, that the DEITY himself has not an equal Jurisdiction with the POPE in Reference to DOCTRINE ; for it is not the Word of God which they profess to believe, but the *Dictum* of his Holiness,\* or the Decrees of a Council. And by one of the many infernal Decrees, Papists in all Parts of the Globe are solemnly enjoined to anathematize—in Body and Spirit—every Dissenter from the Church of Rome. With all the boasted Liberality of the Times, this inhuman Ceremony is now performed ‡ by the Pope himself ; attended with so shocking a Detail of Curses—such Bitterness and Barbarity of Denunciation—that all the Epithets of Malevolence are exhausted and the “ *accursed Infidels* ” are consigned to the Horrors of ETERNAL DAMNATION !

I have therefore the Authority of Conscience and Reason to support me in this solemn assertion, that in publishing NEMESIS, I acted perfectly consistent with the Duties of a good Citizen and a PROTESTANT Minister.

But in Answer to all this it may be contended, that in a Age of Letters and liberal Enquiry  
 Profelytes

\* For Arguments in Support of this Position, I refer the Reader to *Alfred to the Bi op of London*.

‡ Annually.

Profelytes to Popery will be few. I am ready to admit, my Lord, that the higher Ranks of the Community will not become Converts to Popery —till it be their INTEREST. But the lower Orders are NOW exposed by their IGNORANCE and POVERTY to the Insidious Arts of the Catholic Priesthood as much as at any Period of the World. And here is the Danger. If they continue their Exertions with the same Vigor and Success as in the last twenty Years, a vast Majority of the POOR in the Metropolis, and of the PEASANTRY throughout the Kingdom will be under their absolute Controul. And what will be the Consequence? Refuse them any Indulgence they may think proper to claim, and the Massacres and Martyrdoms of former Times will be renewed.



Of the MANNER in which NEMESIS  
was PUBLISHED.



FROM the MOTIVES of Publication, I proceed to the MODE. And I hope I shall be forgiven, my Lord, if I notice, with some Degree of  
of



of severity, the base and unpardonable Inſinuation of the Counſel for the Proſecution. “ Though the “ Defendant has SWORN that he is NOT the “ Author of NEMESIS, I believe it WAS written by him.” Gracious Heaven ! am I ſpeaking in a Land of Freedom ! Is it lawful, is it decent to fine and imprifon an Engliſhman for publiſhing a FACT, when a Counſel may, with Impunity, utter ſo foul a FALSHOOD ? My Lord, if I periſh for my Temerity, I will declare in the Face of the World that the learned Gentleman has neither the HONOR nor the SPIRIT to repeat the Charge *out of the Walls of this Court*. And I beg leave to remind him of the celebrated Apothegm of a Grecian Sage—no Man readily ſuſpects another of Perjury till PERJURED himſelf.

The learned Counſel accuses me of prostituting my ſacred Profeſſion, by annexing an Affidavit to the Pamphlet before the Court. Be pleaſed, my Lord, to weigh this Charge in the Balance of Reason, and it will be found, like his other declamatory Arguments, *lighter than Vanity*. In the firſt place, it is a Duty we owe the Public to ſtate the Grounds on which we affirm a Propoſition to be TRUE or FALSE. Human Evidence is multiform and various ; and Mankind regulate  
their

their Assent to a Rumor by the Sum of the Probabilities adduced in its Support. When a Man of Integrity relates an Event from his own personal and immediate Knowledge, we give implicit Credit to the Narrative without demanding any further Demonstration. But if he inform us that he speaks from Rumor only, we suspend Assent till the Fact is established by indisputable Evidence.

In the second Place we are to consider the Alternative to which an Author is reduced, who publishes an Anecdote on his own Testimony of the Fact. If the Report be groundless, he is justly branded with Infamy as the Publisher of Calumny and Falshood.

And hence my Justification. A Sense of Duty to the Public, and a Regard for personal Reputation induced me to inform the World that—*I was not the Author of Nemesis*—and yet that I *believed the Contents to be strictly true*. The first Position was necessary as a Security for my Honor in the Event of its being a groundless Aspersion. The second was intended to apprise the Public that the Imputation on the illustrious Lady was so far corroborated by concurrent Testimony, that I could with safety make an Appeal to the Heart-searching God,

God, that I BELIEVED the Contents to be founded on FACT, and too important to be concealed from Public View.



Of a Gross Falshood advanced by the Counsel for the Prosecution.



**B**UT, if such be the Constitution of the human Mind that an HONEST Man seldom suspects another of PERJURY, the learned Gentleman must be conscious of deep Depravity indeed,  
G when

\* Nothing can exceed the Duplicity and Meanness of the PARTIES interested in this Affair, From the Arts adopted to suppress my first Pamphlet, I was convinced I had to deal with Men destitute of Honor and moral Principle, and that the utmost Caution was necessary to guard me from their Snares. They have made frequent Attempts but in all they have been foiled. While Nemesis was at Press, two Gentlemen accosted me at the Printing Office to the Purport following. Pray, Sir, would the Editor of Nemesis accept a handsome Sum for the Suppression?  
No.

when he presumed to charge me with making an Overture to "recant my Assertions." But the Charge is FALSE. The learned Gentleman will consider the Language as emphatically pointed to his heart,—the Charge is FALSE.

My Lords, as Honor is infinitely dearer than Life, I most humbly and earnestly entreat your Lordships to remand me to Prison, that the learned Counsel may have all the Time he can desire to substantiate the Charge. And I earnestly call on the Gentleman himself—in the Presence of Heaven and

No, said I, I am confident he would not. But if an Overture of that kind were made by the Lady herself would he not? NO. But we wish to be informed if he would make an ungenerous Use of the Overture and disclose it to the World? That would depend, in a great Measure, on the Nature of the Overture. If the feelings of the Lady prompt her to a Step of that sort, I imagine ALFRED would treat her with all the Politeness consistent with his Duty to the PUBLIC CAUSE—but no Power on Earth will prevail on him to suppress the Publication. The Gentlemen *knew*, from my dress and Behaviour, to whom they were speaking, and had I used a single Phrase susceptible of a double Interpretation, the Honorable Mr. Erskine would have brought them into Court to SWEAR that I made Overtures to suppress the Pamphlet.

and this honorable Court—to JOIN ISSUE on the Averment, and rescue his name from the Infamy of premeditated Falshood.

I pause, my Lord, for the learned Gentleman's Reply—But he is silent—he PRUDENTLY declines that justification of Character which MEN of HONOR prefer to every Consideration on Earth.

But let it be assumed in Argument that I really made an Attempt to stay Proceedings—and what is the Conclusion—that I was influenced either by LOVE of JUSTICE, or DREAD of PUNISHMENT. If the learned Gentleman admit the former Part of the Conclusion, he pronounces an Eulogium on my Heart that would do honor to an Angel. What ardent Concern for the Interests of Truth and Virtue—what strong Attachment to Justice—how prompt an Effusion of Beneficence, Generosity and Social Affection, must that Man experience who voluntarily abjures an Error, or retracts a Falshood!

But if the learned Counsel contend that I was influenced by Dread of Punishment, I rest my Defence on the high Authority of the Redeemer—  
*Agree with thine Adversary quickly whilst thou art in the Way with him, lest he deliver thee to the Judge, and the Judge cast thee into Prison.*

My

My Heart informs me that my Love of Justice is complete. And I have been long apprized of the Consequences of Crown Office Prosecutions. But with this Rectitude of Principle, and with this Expectation of Fine and Imprisonment, I made no Effort to intercept the Vengeance of the Laws. CONSCIENCE interposed its Authority and rejected all Ideas of Concession.

The Overture, in Fact, originated with the Solicitor for the Prosecution\*. By the Medium of some common Friends was I informed, that the Lady would stay Proceedings if I would consent to make an Apology. I wrote to the Lady and to her Solicitor to acquaint them that ALFRED'S APOLOGY was in the PRESS and would be published in a few Days.

Now, my Lord, be pleased to notice the Conduct—were it not for my Respect for the Court, I would term it—the INFAMOUS Conduct of the Counsel for the Prosecution. He first reproaches me with recanting, and then exhibits ‡ the Book containing my Recantation, as a more audacious Libel than Nemesis itself. Never was a Victory more complete, nor a Triumph more glorious!

\* Any Nobleman or Gentleman desirous of knowing Particulars may apply to Mr. Cullum, Charing Cross.

‡ Presents to the Court.

glorious ! This Moment he describes me as an abject Suppliant, PERJURING myself for a Pardon ; and in the next he complains that my *Petition* for that Pardon is infinitely more vehement and vindictive, more haughty and insulting than the Libel itself ! The Multitude of Mankind, who are not so intimately acquainted with the VIRTUES of the learned Counsel as I am, will imagine it to be his Interest to betray the Cause which he appears to defend. For my Part, I judge more favorably of his HEART than the most indulgent Charity will permit me to do of his HEAD ; and should ever my Honor be called in question in a Court of Law, I request, as a particular Favor, that the learned Gentleman will be my Opponent.

I indulge the Hope, my Lords, that you are already satisfied that the Charge is no less groundless than absurd. But I feel it my Duty to notice the dissingenuous Manner in which the learned Counsel garbles the History of this imaginary Overture. After the Publication of Alfred's Apology, I was again informed that the PARTY wished to consign the Affair to Oblivion—that the Lady desired Nothing more than a decent Pretext for dropping the Prosecution—that it would be considered

considered as an Indulgence to her Feelings, if I would publicly declare that I was not the Author of Nemesis, nor acquainted with its Author. To which I answered—My Opposition to the Lady is of a Public Nature—His Majesty is recovered, and the Cause of Opposition is, *for the present*, at an End—If a public Declaration from me that I am NOT the AUTHOR of Nemesis will afford any Ease or Happiness to the Lady, I will cheerfully comply with her Request, because *Such a Declaration will only corroborate my former Affidavit.*

And if the Lady will derive any satisfaction from an Avowal of my Ignorance of the Author, I will as readily oblige her in that also, because

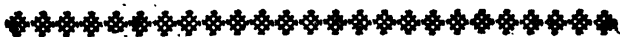
*It will afford very strong collateral Evidence of the disinterested Motives of Publication and confirm this solemn Truth, that I have never received, directly nor indirectly, any Promise or Pledge of Indemnification from its Author.*

I then wrote a Letter to the above Purport and sent it to R. Belt, Esquire, my Clerk in Court, who communicated the Contents to Mr. Lowten, the Lady's Solicitor, and then returned it to Mr. Naylor, my Attorney, Newport Street. Some Demur arose and the Negotiation ended.

Such is the History of the Overture. And as  
the



the learned Counsel once judiciously observed\* that  
 "BASE must be the Mind which is not affected  
 by public Opinion," I hope he will now vindicate  
 his Claim to the SENSIBILITIES of a GENTLE-  
 MAN ; and if he be not prepared with immediate  
 Proof to sustain the weighty Imputation on my  
 Honor, let him second my Request to your Lord-  
 ships that I may stand committed till the last Day  
 of Term. The Alternative is painful ; the learned  
 Gentleman or Myself must be deemed INFAMOUS  
 for ever. But, my Lord, the learned  
 Gentleman is silent—silent as the Grave ; nor do I  
 expect to hear any more of the Affair, but in abu-  
 sive Paragraphs in the Public Papers, for which—  
 I speak on Authority—his illustrious Client pays  
 many Hundreds per Annum.



### Miscellaneous Animadversion.



**T**HUS, my Lord, I have confuted every Charge  
 brought by the learned Counsel that affects  
 my Honor. My subsequent Remarks are more

\* Trial—Loughborough versus Walter.

defultory, in Point of Arrangement ; for as I am compelled to follow the learned Gentleman in his own Tract of Rhapsody, I must so far resemble him as to reason without Order and to reply without Coherence.

LORD MANSFIELD. The learned Counsel complains that in Alfred's Apology I have joined the Name of Mansfield "*a noble and upright Judge*," to that of Jefferies who "*betrayed the public Cause*." It is singular my Lord, that this Character of Lord Chief Justice Jefferies should, on my Part, be a Plea of Justification, and on the Part of the learned Counsel a ground of Complaint.

Of the discriminative Excellencies of Judge Jefferies, Historians are silent. But as I am not fond of libelling the Dead, I will candidly allow him, in common with Lord Mansfield, a happy Memory and a penetrating Judgment, great Variety and Vigor of Sentiment with a graceful Elocution ; and yet I coincide in Opinion with the learned Counsel, that he betrayed the public Cause, for he was an Enemy to the FREEDOM of the PRESS. Like Lord Mansfield, he might once enjoy a Supremacy of Reputation as an Arbitrer of Civil Pleas ; but his Laurel was deciduous ; he was an Enemy to the FREEDOM of the PRESS.

**PRESS.** The Integrity of Lord Mansfield, as a Judge of commercial Controversies, is universally admitted ; and the Dispatch with which he adjusted the most complicated Causes is universally admired. And yet the Grand Juries of England—the Counties of York and Middlesex—the City of London—in one Word, the **PEOPLE**, have carried Complaints to the Throne itself of Juries deprived of constitutional Powers, and of attacks on the **FREEDOM** of the **PRESS** so serious and alarming as to have no Parallel on this Side the Revolution.

The learned Counsel then goes on to express his Satisfaction, that he is libelled in such honorable Company as Lord Chief Justice Mansfield. But I entreat the learned Gentleman to repress his Vanity. I know he is fond of forming a **COALITION** with any Man, who can advance his Interests and gratify his Ambition ; but it never was my intention to elevate the learned Gentleman to the Dignity of a Mansfield. Both in Candor and in Justice, I can allow the noble Peer to be as able and upright a Judge as Lord Chief Justice Jefferies ; but neither in Candor nor Justice, can I grant the learned Gentleman the **ABILITIES** and **CONSISTENCY** of Either.

Lord Mansfield embraced his Doctrines of the Press from **PRINCIPLE**. In early Life, he

H

drank

drank the Health of a certain unhappy Prince on his bare Knees, and poured out the most ardent Prayers for his Success, and in the whole Tenor of his subsequent Life—whenever FREEDOM was in Question—he displayed a UNIFORM and CONSISTENT Attachment to those Opinions which had a Tendency to restore that Prince to Happiness and to established his Throne for Ever. To the Praise of Consistency, therefore, his Lordship is justly entitled.

It is indeed, Consistency in ERROR : it sullies his Glory as a Judge, and renders him extremely unpopular. But his Lordship is not CONTEMPBLE. We may HATE him but we cannot DESPISE him. It is only when a Man degrades himself by Versatility of Sentiment—a Whig to Day and a Tory to Morrow—one Hour a Champion for Freedom and the next an Advocate for Slavery—that we combine CONTEMPT with Infamy.

It would, therefore, be unpardonable Injustice to aggrandize the declamatory Talents of Mr. Erskine by ranking them with the solid Eloquence and consistent Principles of the late Chief Justice of the King's Bench. It would be an Insult to the noble Lord that even his Offences against the  
LIBERTIES

**LIBERTES** of the **PEOPLE**—great as they are—would be insufficient to justify. I am not accustomed to advance Assertions without Evidence. I appeal to the Trial of the Dean of St. Asaph. The Principles and Conduct of the learned Counsel were then as opposite to his present Principles and Conduct as Light and Darkness, as Glory and Disgrace. I allude, my Lord, to Principles of **LAW**. As to **MORAL** Principle, or that hidden Spring of Action which contròuls all subordinate Movements, the learned Gentleman is perfectly consistent. I do not mean to reproach him with deserting his **SELF** Esteem or his **PERSONAL INTERESTS**. In that Part of his Character, he is of equal Dignity with Lord Mansfield—himself—*par nobile Fratrum*.

Were the learned Counsel an Object of sufficient Consequence to invite my Resentments, I would make his Infamy immortal; by contrasting him with—**HIMSELF**. On the Trial of the Dean of St. Asaph, with the assumed sincerity of Patriot, he contended that **TRUTH** is **NOT** a **LIBEL**. And with all the Solemnity of the profoundest Hypocrite, with his Hand on his Breast, he appealed to Heaven that Truth **IS NOT**—that Truth **CAN NOT** be a **LIBEL**, and “therefore, Gentlemen  
of

of the Jury, *the Defendant must be acquitted with Honor!!* The learned Gentleman was then declaiming under the Impulse of a FEE of no common Magnitude.

On the present Occasion, his INTEREST is to oppose his HONOR. And he is now exerting himself to send a Citizen to the Bastile for publishing a TRUTH which all France will attest, and no Man in England deny.

Permit me to add, my Lord, that Prosecutions in the CROWN OFFICE for Libels have been reprobated, not by PATRIOTS only, but by the learned Counsel himself. I refer to Loughborough versus Walter. Gentlemen of the Jury, said he, my noble Client has brought his Action in the present Form from Motives of JUSTICE and HONOR. The Defendant is at Liberty to JUSTIFY his Words, and my noble Client has an Opportunity to wipe off the Aspersions on his HONOR.

But the learned Counsel now prefers a Process by *Indictment*, which tacitly admits, on his own System of reasoning, the GUILT of the Plaintiff and the INNOCENCE of the Defendant. Could the most malignant ingenuity have devised a stronger LIBEL on the illustrious Lady, than the

the Process adopted by her Counsel! What Ideas will the Courts of Europe hereafter conceive of a QUEEN, who being publicly pronounced a WHORE, confirms the Fact by the Mode of refuting it!

But what will Europe think of the PEOPLE of ENGLAND in general, and of the CITY of LONDON in particular for suffering so degrading a Stigma on the national Character! Are France and America to enjoy Freedom, and England to be enslaved? I indulge the Hope, my Lord, that the Time is approaching when England *also* will assert the Rights of TRUTH and JUSTICE, and no longer permit her Citizens to be immured in Prisons for the publishing important FACTS.

“ TRAP TO CATCH VERMIN. The learned and accomplished Gentleman has thought proper to apprise the Court that, “ he does not keep—“ *at his own Expence—a Trap to catch Vermin.*” Your Lordship will believe that I did not understand this Phrase. It is not the Language of a Gentleman. But on asking some of the BLACKGUARDS in the King’s Bench Prison what it meant, they answered “ perhaps, Sir, you have accused our learned FRIEND of an Attempt to draw you over to the PARTY.” I instantly recollected

recollected the TRAP that was sett during the Royal Indisposition. It was well baited with REGENCY Toys and Sweetmeats and Sugar Plumbs. And you know, my Lord, that several RATS who apprehended “ *the old House was tumbling over their Ears,*” fled to this celebrated Trap for Food and Protection. I myself was offered—the learned Gentleman *knows* I was offered—a handsome Slice of REGENCY BRIDE Cake to nibble, but I found it composed of such *dirty* Ingredients that I could not digest it. *Et binc illæ Lachrymæ.* But the learned Gentleman hopes, by Fines, Imprisonment, and Expences, to give me as good an Appetite as his own, that I may eat ANY THING that is set before me, without asking any Questions *for Conscience Sake.*

But I am far from accusing the learned Gentleman of baiting the Trap *at his own Expence.* *Ore tenus,* as far as *Words* can be of Service to the Cause, he is a zealous and useful Partizan. And if Westminster-Hall be infested with Vermin I dare affirm, my Lord, he will prove as expert a RAT Catcher as \*\*\*\*\* himself.

“ RUFFIAN.” The learned Gentleman complains that I libelled the Lady by “ *shaking my Head*” while he was speaking, and that such Conduct becomes a Ruffian and not a Man.

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My Lord, I cheerfully submit the Propriety of my Conduct to the Judgment of this Court and of the whole World. It is true I held down my Head that I might not be guilty of the Indecorum of laughing in the learned Gentleman's Face; and it is equally true that I shook my Head, from mingled Sentiments of Pity and Contempt. I had urged, in my Address to the Court, that the Lady is in Habits of tender Intimacy with the Prince of Wales, and is consequently, his MISTRESS or his WIFE. This Conclusion the learned Gentlemen pronounces *monstrous*, and equally applicable to every Woman in the Kingdom—“*who must be the Mistress of the Prince of Wales, said he, if she be not his Wife.*”

But the learned Counsel had not committed so gross a Solecism, had he not been ignorant of that Operation of the Mind by which we deduce unknown Propositions from those which are evident or acknowledged. Wife and Mistress, with Respect to the Prince of Wales, are remote Relations, and the just Application of either Term can be discovered only by the use of *intermediate Ideas*. In the present Instance, the intermediate Idea is universally acknowledged—THEY HAVE SLEPT TOGETHER—*ergo*, the Lady is either his  
WIFE

WIFE or his MISTRESS. Now when the learned Gentleman can prove that His Royal Highness has SLEPT with every Woman in the Kingdom, I will allow the Truth of the Conclusion—every Woman in the Kingdom is either his WIFE or his WHORE.

As to the other sagacious Conclusion, I must be a RUFFIAN because I am not a BLOCKHEAD—the learned Gentleman will do me the Honor to ask my Pardon—or I shall certainly vindicate the Rights of Nature and the Dignity of an Englishman—I cannot indeed consider him as a *Gentleman*,\*—I must treat him as a “RUFFIAN” is expected to treat a RASCAL.

“THE INDICTMENT” The learned Counsel has declared to the Court—with as much Solemnity as though he believed what he said—that the first Indictment was quashed because the Grand Jury did not find all the Counts which are in the present Indictment. But, my Lords, if you be not already convinced that the learned Gentleman is unhappily at Variance with Truth and Candor, I request your Lordships will compare the Indictment on your Records with the Counts of the Indictment found

\* Because Alfred's Apology has been Published Three Months.

found by the former Grand Jury, and if the Assertion of the learned Counsel be not totally false and unfounded, I consent to be deemed infamous for ever.

I pause, my Lord, as usual, to allow the learned Gentleman Time to recollect himself, and to join Issue on the contradictory Positions ; but, as usual, the learned Gentleman is silent. He is not fond of appealing to Facts. I am happy, however, to see him decline his Head and blush. They are Marks of a decent and liberal Contrition.

The Fact is, my Lord, MARIA Fitzherbert was the Name which the offended Lady assumed in the prior Indictment ; and MARY ANN Fitzherbert in the present.\* It is somewhat extraordinary, I confess, for a Lady to be ignorant of her own Name ; and perhaps, after all, the Error is not to be attributed to the fair Companion of the Prince of Wales. Mr. Lowten, Solicitor to His Royal Highness\* has also a FITZHERBERT under his Protection. He is a Man of Gallantry and disposed, perhaps, to vindicate *her* CHASTITY. The Ladies obviously differ in Name, but in the Indictments they are both described, and with equal Truth

\* In Alfred's Apology, a Reason is assigned for this Charge.

† And to "*her* Royal Highness."

Truth and Justice good, "*VIRTUOUS, and peaceable Sort of Women.*"

"**HEIR TO THE THRONE.**" In Alfred's Apology, it is affirmed that MARIA alias MARY ANNE Fitzherbert is a Papist and married to His Royal Highness George Prince of Wales; and hence the learned Counsel reproaches me with this Conclusion—His Royal Highness is not **HEIR TO THE THRONE OF THESE REALMS.** The Conclusion, my Lord, is either deducible from the Premises, or it is not. If it be not deducible from the Premises, the Reproach reverts to the learned Gentleman himself. But if it be a fair and legitimate Inference, let him if he *dare*—controvert the Validity of the Premises—let him bring an Action on the Plea Side of the Court for my declaring the Lady a Papist—let him, if he conceive it to be his Duty or his Interest, let him prosecute for a Jactitation of Marriage with the Prince of Wales. I will meet him.

But the Premises are as true as the Existence of the Deity; and the Inference as incontrovertible. By this union with a PAPIST, the Act of William and Mary is grossly insulted. And as the Marriage was solemnized according to the Rites and Ceremonies of the Church of Rome, His Royal Highness

Highness—meaning his Royal Highness George Prince of Wales—is fully and effectually RE-CONCILED to the Church of Rome. But when it pleases the supreme Disposer of the Universe to call our present gracious Sovereign out of this transitory Life, I believe there will be but one Opinion in the Realm, concerning the Successor. The Union will doubtless be lamented, and the People will DEMAND a SEPARATION; but I am persuaded no generous Mind will resist the hereditary Claims of his Royal Highness to the Throne. The Indiscretion will be forgiven.



## C O N C L U S I O N.



**P**UNISHMENT, my Lord, ought to be measured by the MOTIVES and CONSEQUENCES of the FACT of which a Citizen is found guilty by a JURY of his Country. My MOTIVES were *innocent*; though not *honorable*; for I confess, my Lord, it is more honorable to be an Infidel than a Believer. There was indeed a Time when the PROTESTANT FAITH was

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in high Estimation. To defend it was honorable, and to oppose it infamous. But this is now considered as mere "WHINING and CANTING;" as the learned Gentleman happily expresses it. And there was a Time when the learned Gentleman himself could declaim against Popery as hostile to Freedom and subversive of Religious Truth; but in Justice to his Feelings, it ought to be remembered, that he had *two Hundred and Fifty Pounds* for his Trouble.

As to my POLITICAL Motives, they are doubtless still more offensive to the learned Gentleman, as they are so unfriendly to his ambition. But, my Lord, I hope it will not be considered as an unpardonable Offence, that I acted in concert with a vast Majority of the People, and by every Effort in my Power supported the Cause of a loyal and patriotic Minister.

If my Punishment be estimated by the CONSEQUENCES of my Conduct, I humbly conceive, my Lord, that the Expences already incurred are more than sufficient to Expiate my Sin against

The SOVEREIGN  
AND AGAINST  
The SUBJECT.

Against

Against the Sovereign; because a LIBEL is thus defined—*Something that has a TENDENCY to a Breach of the Peace.* It is thus defined by Lord Chief Justice Pratt—the Pride of Englishmen and the brightest Luminary of the Law.—Now I demand to know, my Lord, what Evidence has been brought to the Bar in Proof of the Averment on Record—it has BROKEN the KING'S PEACE. Has any *ex Officio* Information been filed by the Attorney General? Has the Book been submitted to your Lordships on the voluntary Suggestion of a Grand Jury? Has any Proof been adduced of Riots and Insurrections among the people? I admit the TENDENCY of the Book to cause a struggle for Liberty, if Heaven had not restored his Majesty to the use of Reason; but I deny, that the King's Peace has been broken by *me*, however it may have been wounded by the *Lady*.

I have to add, my Lord, on this Topic that my Offence against the Sovereign ought to be termed a TRESPASS of IGNORANCE. And so clear and convincing are the Arguments which Common Sense supplies on the Occasion, that I defy the learned Gentleman to elude their Force by any Arts of Sophistry, or Evasions of Law.  
He

He may answer, indeed—such is the Doctrine of Lord Chief Justice Jefferies, and such the Practice of Lord Chief Justice Mansfield; but if the Authority of Names be an admissible Substitute for REASON and the RIGHTS of MANKIND, it might be urged with irresistible Energy in Defence of the POPE, of the INQUISITION, of LETTRES DE CACHET, of GENERAL WARRANTS, &c.

This Plea being obviously absurd, I proceed, my Lord, to enquire from what Source of Information a Citizen is to know that TRUTH is CRIMINAL.

From GOD, the blessed and adorable Author of our Existence! I dare not assume the Idea even in Argument. The moral Principle implanted in the Breast of his Rational Creation—the Language of the Sacred Writings, in which TRUTH is most beautifully described as the *Brightness of his Glory*—the Induction of Philosophy from a Contemplation of his moral Attributes—all attest that TRUTH and JEHOVAH are inseparable.

From EDUCATION! But are we not taught, from early Infancy, to reverence TRUTH and abhor FALSHOOD! Are not our Tutors and Preceptors perpetually inculcating Maxims of  
 222  
 VERA-



**VERACITY**, and demonstrating its Importance in Time and Eternity?

From the **LAW** of the **LAND**? I affirm, my Lord, without Apology or Reserve, that there is no Law on the Journals of Parliament which declares **TRUTH** to be a **LIBEL**.

The most upright of our Judges have nobly declared, that a Libel has its Essence in **FALSHOOD** and not in **TRUTH**. And even the learned Gentleman himself—I blush for his personal Fame and the Fame of his Profession—could once maintain the same rational Doctrine.

I desire, therefore, my Lord, to put this Question to the Court with all the Solemnity it deserves—How is a private Citizen to be apprized of a Law of which the Journals of Parliament are silent, and **JUDGES** and **BARRISTERS** ignorant!! \*

Under every Point of View in which the Subject can be considered, I am **INNOCENT**. And as in the Sight of the Deity, there is no moral Turpitude in a Trespas of Ignorance, I hope your Lordships will imitate the Conduct of the Supreme, and acquit where it would be injustice to condemn.

But

\* More than *ignorant*, for they *deny its Existence*.

But even admitting TRUTH to be a LIBEL, I aver, on the Authority of Lord Camden, that a Libel has merely a TENDENCY to a Violation of the Peace. It is a Cause in POTENTIA, and before a Defendant can be MORALLY, LEGALLY, or even RATIONALLY convicted as a CAUSE, it is incumbent on the learned Counsel to prove an EFFECT\*. But this has not been even attempted.

But if a Citizen may be fined, imprisoned, and overwhelmed with Expence—may be deprived of social and domestic Happiness, and be exposed to irreparable Loss in his private Affairs, for acting in Conformity to the Dictates of Conscience and the Voice of Reason, under the *tacit* Permission of the Laws, and the *avowed* Sentiments of Judges and Barristers, what Ideas, my Lord, must ALL EUROPE entertain of the LIBERTIES of ENGLAND? Is there not yet a *Consummation*  
*met*

\* I am now sensible that neither the Arguments nor the Eloquence of an Angel, had such been my Counsel, would avail in *this Stage* of the Business. I was unhappily advised, on the TRIAL of the FACT, to make no Defence. But this was absurd, as I am now convinced,

*most devoutly to be wished?* Will the Genius of Albion for ever slumber?\*

But the learned Counsel appears to rest his Charge on the Injury done to an **INDIVIDUAL**. On this Ground I meet him with additional Ardor and Satisfaction.

I will not enlarge, my Lord, on the Opinion of the learned Gentleman that a Process by criminal Indictment, for a private Libel, is no Justification of Character in the Plaintiff. The Opinion is certainly founded in Law and Reason, and it affords to my Mind, and it must afford to the whole World a convincing Proof that Justification of Character, in this Instance, was not only difficult but **IMPOSSIBLE**.

To ascertain the Degree of Injury received by the Prosecutrix, it is indispensably necessary, my Lord, to enter on a Candid Estimate of her **CHARACTER** in a **MORAL**—and in a **LEGAL** Acceptation of the Term.

I begin with her **MORAL** Reputation—or the relative Excellence of her Character in civil Life.

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And

\* No. The Spirit of Freedom is roused. The Jury, who tried Mr. Stockdale's Cause, did themselves immortal Honor by connecting the **FACT** of Publishing with the whole Language of the Indictment. My Jury—

And in the first Place, my Lord, I acknowledge, with infinite Regret and with all the Concern of a Man of Sentiment and Honor, that the Plaintiff is a Woman. And I am equally concerned that the Imputation on her Conduct could not, with any Colour of Decency or Truth, be transfered to her noble Paramour. The Politeness of the Clergy, my Lord, is unquestionable. For though it is admitted that EVE intrigued with the DEVIL—the first Gallant on Record, and, to indulge her ruling Passion, deliberately consigned the Race of Man to *eternal Damnation*, yet we always transfer the Blame to her HUSBAND. And on the present Occasion, my Lord, I would cheerfully have stated that *Count Bellois was delivered of a charming Boy*, could I have done it with the slightest Appearance of Truth, or the least Prospect of being believed; for I am unable to see the Justice of denying the same polite Indulgence to Daughters, in a State of Frailty, which is so readily granted to their common Mother, in a State of Perfection.

It being admitted that the Plaintiff is a woman, the next Subject of Enquiry is her CHARACTER.

Character

Character is a general Term and nearly synonymous with REPUTATION. *Lucretia* had a Character, and so, my Lord, had *Messalina*. Some Ladies are celebrated for Beauty—Others for Wit—Some for Chastity—and others for Lewdness—but the Prosecutrix is ambitious of being distinguished for

## V I R T U E,

my Lord, PUBLIC and PRIVATE!!!

Of her *public* Virtues sufficient has been said, on a former Occasion.\* And your Lordship, may be disposed to ask, *Cui bono*, to what Purpose do you now enter into a Detail of her *private* Virtues? It is not my Intention. I only desire to apprize the People of England of the real State of Freedom, in respect to the PRESS, and to inform them that your Lordships are bound to pass Judgment on the FACT of PUBLISHING found by the Jury, though a Legion of Angels were at this Moment ready to depose at your Bar, that they SAW Maria, alias Mary Anne Fitzherin the Embraces of Bellois.

And this I hope, will induce them to apply to Parliament that JUSTICE, EQUITY and  
MERCY

\* Alfred to the Bishop of London.

MERCY may be no longer perverted by the Ignorance of JURIES or the Corruption of JUDGES.

Juries, my Lord, may be Men of Integrity and constitutional Information, and discharge their Duty in an able and honorable Manner, as was the Case twenty Years ago.—Or they may be *totally ignorant* of the Law of Libels and the Privileges of the PRESS, as we have seen to be the Case on recent Occasions.

It is equal Folly to repose the Safety a Citizen on the uncertain and perhaps DISCORDANT INTERESTS of his Judges. It was a fortunate Event for Freedom when—*durante bene placito*\*—was exchanged for—*durante bene gerente*†—and it was equally fortunate, perhaps, when the Salaries were made independant on the Pleasure of the Crown. The OFFICE was thus raised to the Possibility of Independence; but no Art, no Contrivance will render the MAN independant, unless PASSION and the PROSPECTS of Futurity could be annihilated. A *Puifne* Judge may desire the Seat of the Chief Justice, and the Chief Justice may languish for a Title or be solicitous to retire with a Pension. And under this Hypothesis, who will

\* As long as the King pleases.

† Till his Conduct is proved corrupt,

will pronounce the Sentence of Court on Occasions interesting the Ministry? The MINISTER indisputably.

*Your* Virtues, my Lords, are PERSONAL and consequently ACCIDENTAL—you cannot transmit to your Successors, the Spirit of INDEPENDENCE which animates yourselves. The Office is FREE, but a Judge may be a SLAVE,

Hence, my Lord, the absolute Necessity of a Law of Parliament to secure the Subject from the Ignorance of a Jury and the Frailties of a Judge—a Law admitting a Justification of Conduct, and directing the Damages to be regulated by the *Quantum* of the Offence.

Such a Law, I flatter myself, would give considerable Relief, to your own Feelings. e.g. Your Lordships have now read Alfred's Apology, the Book whence the learned Counsel has selected so many Passages to exhibit to the Court as libellous; and you there see, my Lords, that I have publicly called on the learned Gentleman to point to any Action of my Life which tarnishes the Purity of my Honor, or impeaches the Integrity of my Heart. This Language—unpardonable on common Occasions—is innocent and laudable when Character is publicly arraigned. I now repeat

peat my Request.—But the HONORABLE Gentleman is SILENT. His Silence is an eloquent Encomium on my Morals. Now—

When his Lordship the senior Judge pronounces Judgment of Court, he will be compelled to do Violence to his fine Ideas of JUSTICE and TRUTH by addressing me in the Language of the Indictment, as an “*evil minded Man, who has falsely, wickedly, and maliciously defamed a certain peaceable, virtuous, good Sort of Woman.*” The Jury have found the FACT of PUBLISHING, and your Lordships are bound to pronounce Sentence on the FACT in Terms conformable to the Language of the Indictment; and it is far from my Intention to impute Blame to your Lordships, to whom I am under the highest Obligation for your Candor and Impartiality.

But if it offer Violence to our established Opinions of Justice and Truth to address the Defendant in this Prosecution as an “*evil minded Man.*” I imagine CONSCIENCE must be wounded in describing the Prosecutrix as a “*VIRTUOUS*” woman. Witnesses are inadmissible at *this Bar*, do me the Honor, therefore, my Lords, to follow me in *Forum Conscientiæ*, where the Case shall be restated, and satisfactory Evidence adduced in support of my Innocence.

STATEMENT



**STATEMENT OF THE CASE.** The Prosecutrix—stiled by the Courtesy of Europe “Her Royal Highness the Princess of Wales” and named in the Indictment “Mary Anne Fitzherbert, *Widow*”—complains that the Defendant has defamed her, and made her ridiculous.”

**AN AMOUR WITH A FRENCH NOBLE-MAN** is the Species of Defamation stated in the Indictment. And it is further urged, as a Plea of Aggravation, that this mode of defaming the Lady has a Tendency to make her **ODIOUS** and **RIDICULOUS**.

The Lady may dismiss her Anxiety of appearing *ridiculous*. In the Circles of Fashion, such fugitive Amours are quite the **TON**—not only as an Anticipation of the Joys of Matrimony, but as a Relief from the Tædium of Matrimony itself. A transient Intimacy with half a dozen handsome young Fellows, so far from diminishing the Charms and Influence of a Woman of Spirit, forms her best Recommendation to **ROYALTY**. The Lady may consult her own Breast—or ask her Friend Mrs. Parflow—or her Sister Lady ———. It is the Privilege of Christianity to enjoy this social Intercourse without Ridicule or Restraint. None but Jews, Turks, and Infidels hold the Practice  
in

in Abhorrence. In that blessed Church, of which the Lady is a pious and praise-worthy Member, the Maxims of Fornication and Adultery are still more liberal than with Protestants: for a trifling Sum by way of Expiation, a Woman may indulge her Propensities *ad libitum*, and afterwards be canonized for a Saint.

The Lady and not Alfred has brought Odium on the Name of FITZHERBERT. Her daring Pretensions to a Diadem expose her to the Detestation of Protestants. And the silly Attempts of the PARTY to pass her on the World for a VIRTUOUS—WIDOW make her the Jest of Europe. The Frailty of her Sex and the Enthusiasm of a Devotee are, perhaps, a sufficient Excuse for the Lady; but what Apology can be offered for those, who systematically sacrificed her to L— and then to AMBITION?

The Odium and Obloquy which the Lady experiences being thus referred to proper Causes, the *Nature* and *Quality* of my Offence may be ascertained in few Words

As to its *Nature*, it is obvious as the Light of Day that I have not accused the Lady of any Crime forbidden by the Laws of God or Man. I desire to be understood, my Lord, that a tender Correspondence

pondence is not IPSO FACTO—sinful or illegal. *Increase and Multiply* is a divine Command ; and the Lady appears to be sensible of the destination of her Sex by a strong Attachment to her Duty. Her first Husband was a Valetudinarian—a mere Non-efficient in the Annals of Galantry. And he died. The Lady then resolved to take the VEIL ; but Mr. Fitzherbert, on the Authority of St. Paul, contended it was better to marry than \*\*\*\*. This Doctrine was strongly supported by the Lady's CONSTITUTIONAL Opinions, and Mr. Fitzherbert triumphed in the Conquest of her Faith and Affections: But he, also, died—And the Deity again became the Object of Adoration. Her Vows to mortify the soft Emotions of her frail Humanity were renewed. But an evil Genius again Intercepted her Repentance, and once more persuaded her to renounce the Solitude of a Convent for an Intercourse with Man. A perfect LUCRETIA in Theory, but a M——na in Practice, the Lady acknowledged her Spirit was willing but her Flesh weak, and incapable of resisting the combined Attacks of the Devil and Count Bellois.

The Publication of this Intercourse constitutes my Offence, which is only charging the Lady with an UNLAWFUL Consummation of Love ; in

L

other

other Words, with a total Disregard to **ESTABLISHED FORMS.**

And now, my Lords, suffer me to appeal to **CONSCIENCE.** The Evidence I have to produce originates in **PUBLIC OPINION.** Your Lordships are not so entirely abstracted from the World, but you must have heard that the Prosecutrix is Married to His Royal Highness George Prince of Wales. It may, indeed, be objected that the Evidence is inadmissible because it is founded in **RUMOR.** But, my Lord, this Objection is in equal Force against **ALL TRANSMITTED Knowledge,** and **MOST** of the Occurrences of Life. The Facts which fall under immediate Cognizance are few. It is uncandid in the extreme to refuse Assent to an Opinion probable in its own Nature and corroborated by **UNIVERSAL BELIEF,**

But it is of little Moment to my Cause to determine the Degree of Credit which ought to be given to Public Report in general, I rest my Defence on the **CREDIT** which your Lordships—in **CONSCIENCE**—give to the reported Marriage of the Prosecutrix with the Prince of Wales.

Permit me to prefer the Appeal in another Form.

Can

Can your Lordships—in CONSCIENCE and the Presence of the Deity—deny the Cohabitation of the Parties?

But Cohabitation implies either MARRIAGE—or FORNICATION.

And if the Lady be married, the Ceremony was either LEGAL or ILLEGAL.

If LEGAL—the Indictment is vitiated by a MISNOMER.

If ILLEGAL—the Lady is now in the Habit of indulging LAWLESS Love. Consequently, my Lords, I have not DEFAMED her.

But the learned Counsel has positively denied a LEGITIMATE Marriage. He has corroborated the Averment on the Record and declared her a PRIVATE Person

The Inference from this Concession is valid and irrefragable. The Woman who sleeps with the Prince of Wales——admitting his Claim to Manhood——must be his WIFE or his——MISTRESS.

I do not desire your Lordships to repose any great Degree of Confidence in the learned Counsel but let it be assumed, for the Sake of the Conclusion, that he has now asserted Truth, and that the Lady in Question is NOT the Wife of the Prince of Wales—What, my Lords, is the Conclusion? The  
Lady

Lady must be his MISTRESS, and neither defamed nor capable of being defamed.

Your Lordships will have the Goodness to recollect that I am now pleading in the supreme Court of Conscience, and were it possible for your Lordships to entertain a Doubt of the Cohabitation from which this Inference is drawn, I could bring ALL EUROPE to attest either a *Knowledge* or a *Belief* of the Fact.

And since, my Lords, every Motive to Delicacy is removed by the learned Gentleman's solemn Assurance that the Lady is UNMARRIED, I shall not hesitate to declare that I can no longer CONSCIENTIOUSLY express a HOPE of her Virtue. If the learned Gentleman had not alluded to her Situation, I had certainly been silent from pure Respect to the Prince of Wales. But my Information, since ALFRED's Apology made its Appearance, is such as PRECLUDES ALL HOPE that the Rumor of the Intrigue originated in Falshood. As I formerly swore to a BELIEF of the Fact, I am ready to add, my CONVICTION IS NOW COMPLETE. If this Declaration wound either the Dignity or the Feelings of His Royal Highness, it ought in Justice to be ascribed to the officious Impertinence and vindictive Temper of the Counsel for the Prosecution.

And

And thus, my Lords, I have demonstrated my Innocence so far as Respects the MORAL Reputation of the offended Lady. On every Point of Controversy, the learned Counsel has been obviously defeated by the plainest Dictates of Conscience and Common Sense. But he may still occupy the Ground of LEGAL Reputation, That sort of Reputation, my Lords, which the learned Gentleman enjoys in common with Priddle, Holloway, and Sambidge—or his illustrious Client with—any STRUMPET in the Kingdom.

There are certainly Gradations in moral Dignity; but according to this Mode of estimating Characters, abandoned Prostitutes are on a Footing with the chastest Matrons. As far as regards Life, Liberty and Property, it is highly expedient there should be no Difference; but it is a mortifying Consideration that the Crown Office makes no Distinction between VICE and VIRTUE. In what Country but England is Virtue thus degraded!

It is on this Ground, then, I am to receive Sentence of the Court—for *charging a Woman with a criminal Intimacy with a French Count, who now lives in criminal Intimacy with the Prince of Wales.* The Intimacy with His Royal Highness is established by a Verdict of your own CONSCIENCES,

my

my Lords, and the Criminality of the Intimacy is proved by the Countel himself, who has declared the Woman UNMARRIED. My Motives, my Lords, for the Publication of the Anecdote were pure and honorable—an *Attachment to CIVIL LIBERTY*, and a *laudable Zeal for the Interests of the PROTESTANT FAITH* in which I was educated and of which I am a Minister. For this Offence, my Lords,—if it be not an Insult to FREEDOM to VIRTUE and to the DEITY to name it an Offence—I am to be torn from my Family——deprived of personal Freedom——injured in Health——traded in Fame——and embarrassed in my private Concerns.

But what is the most extraordinary, the learned Gentleman informs your Lordships that he cannot avoid contrasting my “HAUGHTY” Deportment with the “*profound Humility*” of the Man,\* who lately withdrew from your Presence. Whatever may be the *Sentiments* or the *Prædices* of the learned Gentleman, I request leave to assure him that my CONSCIENCE makes an important Distinction between an *Affertor of Public Freedom* and a *Plunderer of Public Property*. I feel myself the *Equal* of every honest Man in Court, and greatly *superior*

to

\* Barrington.



to the learned Gentleman, of whose *Eloquence* I stand in no Awe, and whose *Principles* I utterly despise.

The learned Gentleman further expresses his Astonishment that the Terrors of the Law are unable to subdue my Spirit; and he is so extremely chagrined

So much is said of Mr. Erskine's ABILITIES and ELOQUENCE that one might imagine no other Barrister was endowed with Common Sense, or the Elocution of a Drayman. I was not apprized, till the other Day, that these puffing Paragraphs are written by Mr. Erskine himself, or such Men as are paid to report his Speeches. From the Encomiums so lavishly bestowed on his Powers, I expected to find the Vehemence of Demosthenes united with the graceful Diffusion of Cicero. But never was I more disappointed. At a REPLY, he is below the Mediocrity of Common Life. To my first Address he was nearly *silent*. To my second he answered, with such confusion of Ideas, such Poverty of Diction, and such frequent Stammerings and Hesitations in Utterance as would disgrace a School Boy. Several excellent Judges of Elocution, who were present in Court, confirmed my my Opinion. And yet the Papers were filled with Eulogiums on the learned Gentleman's ACUTENESS, ELOQUENCE and SPLENDOR of DICTION; while poor Alfred—per contra—was not allowed the Common Sense of Barrington!

chagrined on this Account, that he calls on your Lordships to witness the "*triumphant Manner* in which I seem determined to retire to my Prison."

My Lords, neither *Bonds*, nor *Imprisonment*, nor *Death itself* have any Terrors for INTEGRITY and INNOCENCE.

*I HAVE DONE NO WRONG.*

This Language, I will maintain in Life, in Death, and at the Tribunal of the Most High. No Power on Earth shall prevail on me to retract a single Syllable; nor the Law, in the utmost Plenitude of its Vengeance, be able to injure my PEACE, or extort one solitary Sigh from my Heart. I GLORY, my Lords, in my Conduct, and I REJOICE as becomes a Martyr for FREEDOM, and a Victim to TRUTH.

My Solitude will be enlivened with the pleasing Reflection that the Love of TRUTH and FREEDOM, in all Ages of the World and among every Description of Men, has been thus REWARDED.

With a Breast SERENE and INVINCIBLE under every Appointment, I shall recall to Mind that Mr. Johnson, in Defence of the same Principles, was branded as an Incendiary, whipt at the Cart's Tail, and confined many Years in New-

gate

\* \* \* Victim to TRUTH. From an Accident in the Press, the Word FINIS is here omitted. What follows was intended as a *POSTSCRIPT*.—Among several less important Errata, the Reader is desired, for *Characters give*, Page 30, to read *Character gives*. For *Attachment*, read *attachment*, Page 88, &c.

gate.\* I do not indeed flatter myself with so prosperous an Issue to *my* Sufferings. The Times are *altered* and POPERY is permitted to establish its Throne without controul, and without SUSPICION. I am amazed that the Friends of the Protestant Faith are so duped by the specious Professions of the Catholics. Let it never be forgotten that POPERY, in its PRINCIPLES and its Practice, is IMMUTABLE. It is a Solecism for a PAPIST to be independant of the POPE.

A Regard for Justice forbids my condemning all Catholics *indiscriminately*. Several of the most intelligent and CONSCIENTIOUS Members of that Church refused to sign the Petition to Parliament, because, as I was personally informed by One of them, it was an Imposition in which he could not concur. The utmost, said he, that can be expected from a GOOD CATHOLIC is, *that he be peaceable and not take up Arms against Government*. To be a Friend to the reigning Family in Preference to the House of Stuart is IMPOSSIBLE—because it is virtually preferring the Protestant Faith to Popery. It is  
the

\* The Reverend Mr. Johnson was a resolute Defender of civil and religious Freedom, in the Reign of James the Second. At the glorious Revolution he was honored and rewarded by King William,

the DUTY, also, said he, of every GOOD CATHOLIC to multiply Schools and increase Profelytes, and if an opportunity offer—to ESTABLISH POPERY THROUGHOUT THE WORLD. The late encrease of Schools and Chapels in this Kingdom is ASTONISHING. And hence my Apology for opposing a Religion which in its first Principles forbids the Toleration of every other Religion.\*

¶ As to the late “ Mrs. Fitzherbert ” I have only to remark, that I am daily confirmed in the Justice and Propriety of opposing her in ALL HER VIEWS.

¶ As to Mr. Erskine, I hope I shall always be satisfied with *despising* him. The Versatility of his Opinions prevent his rising to the Dignity of being *bated*. ‡

It

\* Dr. Priestly is an Advocate for an OPEN CONSTITUTION and a friendly COALITION with the Catholics. I honor this Gentleman as a PHILOSOPHER; but I request Protestant Dissenters to be on their GUARD. The Tyrant James wished to establish an OPEN CONSTITUTION; but the Protestant Dissenters of that Day NOBLY chose to suffer Restrictions on themselves, rather than grant unlimited Freedom to PAPISTS.

‡ Mr. Erskine informed the Court that I am engaged in a new Dictionary of the English Language, and said—

“ let

¶ It is pleasing to observe the Conduct of the MINISTER, in Contrast with the PROSECUTING SPIRIT of the OPPOSITION.

Mr. Pitt is accused of *forging Fetters for the Constitution*—he is daily held up to public View as a Minister at once WEAK and WICKED. But Mr. Pitt is SILENT. With a Magnanimity beyond Example glorious, and a Patriotism that gains him universal Love, he pardons the Insult and nobly declines the Vindication of his Honor by so costly a Sacrifice as the FREEDOM of the PRESS.

But the OPPOSITION—actuated forsooth by the genuine Principles of WHIGS—have commenced Hostilities against TRUTH itself; and promise, under the Auspices of Mr. Erskine, to fill our Prisons with the Asserters of FREEDOM and the Advocates of the PROTESTANT FAITH.

“ let him *collect* Words if he will—but I advise him to leave the political Composition of them to Others.” The Advice is good. If Mr. Erskine be ever on the BENCH, it will be unsafe for me or any Man to put Words together on political Subjects and to publish them, until we obtain the IMPRIMATUR of him or his Party. While he is at the BAR, the Danger is not so great, as he will defend Stockdale, St. Asaph, or Alfred himself for—A GOOD FEE.

The People of England will meditate on these interesting FACTS, and disregard, as I do, the Calumny and Falshood that will appear in the NEWS PAPERS in Reply.

When the House of Commons prosecute by the Attorney General, they proceed by the most constitutional means in their Power—but the learned Gentleman condemns this Mode, and pleads for the Process by ATTACHMRNT!!\* Such Language ought not to be endured by a free People even from a TORY! But when a Man, who styles himself a *constitutional* Lawyer, who is a Member of the WHIG Club, dares become an Advocate for a Species of Prosecution the most arbitrary and infamous that can be devised—in which the Plaintiff is at once JUDGE, JURY, and EXECUTIONER—he ought to atone for his Crime by a suitable Mode of Expiation.†

PHILIP WITHERS.

DECEMBER, 1789.

\* Trial of Perryman.

\* There is a COMMON INFORMER in the Temple, by many Degrees a greater Rascal than KELLY, and I trust he will one Day meet a severer Punishment. His Clerk regularly buys all the Papers, *signs them*, and then files them. When any of the PARTY, from Personal or Political Motives, desire to Prosecute the Publisher, this Wretch furnishes Evidence, on Condition of being Solicitor to the Prosecution. Anecdotes of his Life will shortly be Published.

P.R. 88









